

DANIELS LEFT THE COURT AND REFUSED TO ANSWER

**Commissioner Babcock Intimates That He Will
Commit Him For Contempt of Court---A Lively
Tilt Between Attorneys Ach and Snook.**

"Good day, gentlemen," said G. B. Daniels in Commissioner Babcock's office this afternoon, and he stepped out.

That is the way he summarily ended the deposition of Attorney Henry Ach. Because of his sudden departure, taking depositions of defendants in the case of Collins against Daniels et al did not go on before Court Commissioner Babcock at 2 o'clock as was announced.

When the matter came up, Mr. Snook stated that defendants would not go any further with the depositions at present.

COLLINS' DEPOSITION.
"We have no objection to a continuance," he said, "but a notice was served on Mr. Collins, the plaintiff in this case, and his attorneys, that his deposition would be taken, and attorneys for plaintiff asked for an earlier date, as Mr. Collins desired to go south to attend some meeting. That request was granted, and the time fixed for last Tuesday a week ago. Mr. Collins could not be found in the meantime at his residence or place of business by his attorneys, with a subpoena, and on the following Monday he left town and has not yet returned. Whenever the other side are prepared to meet us half way in this matter, we will go on with these depositions."

ACH REPUDIATES CHARGE.
Ach repudiated the charge of sharp practice, and said the plaintiffs alone had the right to complain of unfair dealing. He said they had no business to make with the regular order of procedure.

DID NOT BRING BOOKS.
Turning to Daniels he asked, "Have you brought the books you were ordered to produce?"

"He has not," said Snook.
"Let Mr. Daniels answer?" said Ach.

"You may answer that," said Snook.
Ach--Why have you not brought them?

Daniels--Because I didn't think it necessary.
Ach--Why didn't you think it necessary?

Daniels--Good day, gentlemen. As he said this he struck on his hat and went out of the door.

WANTS DANIELS ARRESTED.
Ach--I now ask that a warrant be issued for the arrest of G. B. Daniels and that he be brought into Court and punished for contempt.

Snook--You stated yesterday, Mr. Ach, that the Commissioner had no power to punish for contempt in this case.

CAN PUNISH FOR CONTEMPT.
Ach--S. I did, but I have changed my mind. By the Constitution and the statute the Commissioner has the power to punish for contempt. In this case the contempt was committed in the presence of the court.

Snook--Your Honor was present in Court yesterday and heard Mr. Ach say you had the power to punish for contempt.

The Commissioner--I have nothing to do with what is said outside here. I am under the impression that I have the power to punish for contempt because the Constitution vests that power in me.

COMMISSIONER'S POWER.
Snook--I trust Your Honor will not pass upon this matter hastily. It was admitted in open court by the attorneys for plaintiff that in his proceeding you had no power to punish for contempt. Having failed in that proceeding, they come back here with a change of front and contend that you have the power.

ACH SAYS CONTEMPT.
Ach--Under Sections 11 and 15 of Article Six of the Constitution and Sections 17 and 18 of the Political Code the Commissioner is expressly empowered to punish for contempt. This was a definite contempt committed in the presence of the court.

Court. Mr. Daniels insulted the Court by putting on his hat and walking out while the Commissioner was addressing him.

The Commissioner--I would like this matter to go over till tomorrow to give me an opportunity of looking into the matter, but at present I am of the opinion that I have the power.

Snook--I don't want Your Honor to be misled into making us the victims of sharp practice. The plaintiff dodges out of town to prevent us from asking questions, and now his attorneys want my client committed in order to throw the burden of the litigation on us. If they want to test Your Honor's powers in this matter, it can be done without forcing AS TO SHARP PRACTICE.

Ach--If there has been any sharp practice, it is all on the other side. Daniels is resorting to all sorts of artifices and technicalities to avoid showing the books and telling what he has done with the money.

Snook--You can see the books any time you want to.

Ach--But I want to question him from the stand.

HE IS UNDER OATH.
Snook--You can do so at the office.

Ach--He might lie to me there. Here he is under oath in court.

Snook--You can take a transcript of them.

Ach--I am entitled to have the books with the original entries before me when I question him. A transcript does not meet the case.

There was more heated sparring between the attorneys which grew somewhat personal, which the Commissioner put an end to by saying that this did not settle the question of his authority.

Either the law gave him the power or it did not, he said, and the question could only be settled by a test being made.

However, the case went over till 1:20 tomorrow to give the attorneys time to file authorities and present other reasons.

DALTON DECLINES.
"I have made all the argument I intend to," said Ach. "There is the Constitution and the statutes. I will submit authorities, however."

Snook--"Mr. Ach is in great haste to get my client imprisoned, but I think we are entitled to a hearing."

Ach--Mr. Dalton, will you take the stand and let us pass the afternoon some way?

Dalton--I guess not. I want to see you for an hour out with this dust. The Commissioner postponed the matter for the day, with an intimation that Daniels would be committed tomorrow unless he changed his mind.

YESTERDAY'S PROCEEDINGS.
Judge Ogden has virtually decided that witnesses cannot be made to answer questions or even obey subpoenas in a proceeding to take depositions under Section 221 of the Political Code.

After THE TRIBUNE went to press yesterday Judge Ogden dismissed the contempt proceedings instituted against G. B. Daniels for refusing to produce the books of the Enquirer Publishing Company for the inspection of the attorneys of D. Edward Collins. Judge Ogden said he had no jurisdiction and would discharge the defendant. This honor said he was bound to follow the ruling of the Supreme Court in the Levinsky case, 72 Cal. 64.

"In the Levinsky case," said Judge Ogden, "the refusal of the witness to obey the subpoena of a notary public was contemned, but it was not contempt of court, but contempt of the notary. This case is almost identical with the Levinsky case. If I had known of this case this morning when I issued the citation I would not have issued it. The contempt is confined altogether to the officer who makes the order, and if there is any contempt he is the officer to punish the offense."

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authority to interfere in this case. The citation is dismissed and the defendant discharged.

Henry Ach, counsel for Mr. Collins, then asked the court to make an order requiring Daniels to produce the books, but Judge Ogden refused, stating that this was a special proceeding under a certain section of the law, which the Supreme Court had said need not be obeyed.

"Will your Honor have the refusal noted in the record so it will appear in case we take this matter to the Supreme Court?" asked Ach.

"Certainly," replied Judge Ogden. "This ended the proceedings for the day, but whether it will end the talking of depositions remains to be seen."

OUR TREATY WITH JAPAN.

WASHINGTON, Feb. 12.—Mr. Takahira, the Japanese Minister at Washington today called at the State Department and notified Secretary Hay of the signature of the treaty between Great Britain and Japan made public yesterday in England binding the two nations to joint action to maintain the integrity of China and Korea. The essence of the United States is not necessary to this agreement but if it were it probably would not be withheld from it. It is pointed out that the treaty is precisely in line with the policy of the State Department as fully disclosed in the notes published by it from time to time. It is again stated that there has been no joint action as between the United States and the two powers named yesterday it is a fact that the preamble to the new treaty might be regarded as almost a paraphrase position of the United States toward the Manchurian question as contained in Secretary Hay's note to the Russian Ambassador.

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It is Mr. Barham's intention to place it in the very front of evening newspapers, and as he is shrewd and able he will undoubtedly surround himself with the best newspaper talent to be found.

In newspaper circles it is accepted as a fact that Mr. Barham will get the Post, and it is expected that he will be a lively and interesting figure in the San Francisco newspaper world.

Mr. Barham is a wealthy and popular citizen of Los Angeles, where he served a term as Police Commissioner. He has figured quite prominently in politics and is as well known in San Francisco as in Los Angeles. Besides having plenty of means of his own he has strong financial backing.

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GUY BARHAM PURCHASES THE POST.

**Popular Resident of Los Angeles Makes
Offer of \$100,000**

SAN FRANCISCO, Feb. 12.—It is stated on indisputable authority that Guy C. Barham has made an offer of \$100,000 cash for the Evening Post. This same authority says the offer will undoubtedly be accepted, as imperative orders have been issued by E. H. Harriman, President of the Southern Pacific Company, to sell the paper.

It is understood that the change of ownership will be speedily made.

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THE ANGLO-JAPANESE ALLI-
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RACING!

Every Week Day—Rain or Shine.



NEW CALIFORNIA JOCKEY CLUB. OAKLAND RACE TRACK.

Races start at 2:15 P. M. sharp. Ferryboats leave San Francisco at 11 M and 12:30, 1:30, 2:30 and 3 P. M., connecting with trains stopping at the entrance to the track. All trains via Oakland Mole connect with San Pablo avenue electric cars at Seventh and Broadway, Oakland. Also all trains via Alameda mole connect with San Pablo avenue electric cars at Fourteenth and Broadway, Oakland. These electric cars go direct to the track in 15 minutes.

Returning—Trains leave the track at 4:15 and 4:45 P. M., and immediately after the last race.

THOMAS H. WILLIAMS JR., President.
CHAS. F. PRICE, Sec'y and Mgr.

Columbia Phonograph Co.'s Oakland Office, 467 Twelfth Street.

Fourteenth and Broadway

**Remember for
THREE DAYS ONLY
Thursday, Friday, Saturday**

**VETERAN CAMPFIRE
VALENTINE TONIGHT.**

A military camp fire will be held by the Company A, Veteran Reserves, N. G. C., for the entertainment of their friends and the families of members at their armory, corner of Twelfth and Harrison streets, next Friday night at 8 o'clock. The camp fire will be one of those entertainments in which Company A is noted. There will be real camp fare, cook tents, bungalows, sociability and good comradeship. Many well known people of this city are promised to be on hand with speech and song. Societies invited will be admitted by showing their badges, others by invitations and tickets.

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Carries best assorted stock Puget sound pine and Humboldt redwood in laminated county.

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To be free from sick headache, biliousness, constipation, etc., use Carter's Little Liver Pills. Strictly vegetable. They gently stimulate the liver and free the stomach from bile.

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bound at THE TRIBUNE office.**

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You hardly realize that it is medicine when taking Carter's Little Liver Pills; they are very small; no bad effects; all troubles from torpid liver are relieved by their use.

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DR. J. F. CARD

Eye, ear, nose, throat, has removed his office from Broadway and Twelfth to Central Bank Building, corner Broadway and Fourteenth. Hours, 10:20-12:20, phone John 71.

★

6c a Piece.

Heavy and medium plates; regular price, clearing out our crockery at H. Schellhaas.

Abrahamson Bros., Inc.
465-67-69-71 Thirteenth St., S. W. corner Washington.

VIM, VIGOR, VITALITY FOR MEN

Mormon Bishop's Pills have been in use over 40 years by the leaders of the Mormon Church and their families. They cure the worst cases in old and young arising from effects of self-abuse, disordered nerves, or cigarette-smoking. Cures Lost Manhood, Impotency, Lost Power, Night-Losses, Spermatorrhea, Insomnia, Pain in Back, Evil Discharge, Seminal Emissions, Lame Back, Nervous Debility, Headache, Unfitness to marry, Loss of Confidence, Stomach Troubles, Varicose Veins, Dropsy, Swelling of the Feet, Pains in the Arms, Legs, and Joints, and all other ailments of the system. They are sold by all druggists. Price 50 cents a box, 6 boxes \$2.50 by mail. Write for Remedy Co., San Francisco, Cal.

50 CENTS

For Sale by GEO. SMITH, Druggist, 430 Twelfth Street, Oakland.

Fine Ripe Olives

ARE VERY SCARCE.

The Finest Ripe Olives are Those
Put Up by

LOUIS GLASS.

They can be obtained from First-class
Grocers.

Large Jars, No. 1, \$1.00
Large Jars, No. 2, 90c

Small Jars, No. 1, 60c
Small Jars, No. 2, 50c

LOST \$10 REWARD

ward will be paid on delivery at this

OFFICIAL RECORDS.

TUESDAY, February 11, 1902.

DEEDS.

Mar 6, 00—F W Henshaw extr Est Mary
E Lvooy to Rod W Church, Okla, N
3500 E San Pablo av su pt b'ng

ered parcel Id adjoining sd blk on
ap ptn Mrs M J Evoy's pp'y sub, US

[illegible]

SE 21st av N 310 E 125 S 304-1 W
ts 1 to 6 blk 1 map R E' Knox tract
S 82 259

[illegible]

Feb 8, 02—W F and Emma C Davis (Chas A Bailey, Bkly, lots 1 and 10 bld)

18, 12-Ida and Theodore Wagner to E. Lutz, Hkwy. W Chapel st 330 N
19, 12-Lots 13-53 x W 137-134 blk 5 map
20, 12-Lots joining University site on S
21, 12-Mrs E or E J Haney (widow)
22, 12-Clayton w I G. Blylen Tract
23, 12-Bay View 1/2 sec 26 1/2 blk 10
24, 141 lots 5 and 6 blk 10 map Warner
25, 12-grant.
26, 12-Albert S Woodbridge to Wm
27, 12-Albert S Woodbridge 37-1/2
28, 12-San Jose to SW 52-6 street and
29, 12-SW 2-6 sub 2 of lot 7 map sub
30, 12-Lots in Hays and Caperton tract.
31, 12-Wm Hammond Jr (single) to
32, 12-P Mott (single), Ada, same, \$-
33, 12-Henry A Chase (widow) to

MORTGAGES.

H. 02—Mason to Berkeley Bank of San Francisco
Bkly., As in deed to Clara B. Madison,
2 years, \$360.

H. 01—John Hawkins to Florida
Beretta (widow), John J. de la
Marietta Steffanoni, 1 year, \$ per
\$80.

H. 02—Chas W & Lily Ames Knill
to H Stubbie, Ala N Pacific av. 90 ft.
dvdg Auginbaugh 223 acre to Clara
and West III acre te W 100 x N 150,
N 100 x E 100 ptn Meade ppty, 1 y,
\$ per cent, \$1

H. 01—Frances Elzith & C R Wines
Oak, W Wood 1907-74 S Railroad
W 100 x N 100 blk 32 Map Ld on
Pt RR Ferry Ldg In 156, 2 yards, S
cent, \$800.

H. 02—Elizeth & Michael Lesser to
Marion Carpinou, Ocal, S 38th st
Weston at 1st 100 x 100

beg Lot 6 blk D, Map Broadway and
ograph av 11d, 2 years, 8 per cen

29. Mrs. C. H. & Mrs. L. E. Critchlow
 Emma M. Chase, Helen T. Van Or-
 den, 100 N. 7th St., Minneapolis, MN 55410,
 2 and 63, Map Marion lot, 1 year, \$8
 cent, \$600.
 30. Henry C Ingram to Berkeley
 College, 1000 University Ave., Wash DC
 20007, 4 G M Walters, 4 S Bay
 View, 1000 S Washington, 2nd floor
 Washington (now Irvington), B 36
 1, 10 lots 2 to 4 in sd G M Walters
 to Irvington, 3 years, 8 per cent.

DEEDS OF TRUST.

1. 02—Hubert Juigne to D W Loring
 Riller trs Continental B & L AS, n
 1st flr in deed from Italian-Swiss Mu-
 seum, 1000 N 1st St., Wash DC 20004,
 8, 02.—John B & Lydia G Medina to
 Sels Jr & Wm S Parry trs Deed
 R L B & Co Broken Trs, As in deed
 from J B & Co, 1000 N 1st St., Wash
 DC 20004, 2, 02.—Josiah & Harriet A Lewis to
 L Rema & W W Garhwate trs

on ppty, \$800.

PRODUCE MARKET.		
T. WHEAT—Shipping, 1.07½; mill-		1099
106½-12½.		1099
—S—Grain for choice bright, 90¢/54½c;		1099
1 and 5c for old grades; brewing		1099
shipping grades, 95¢/54½c; Chevalier,		1099
20.		1099
S—The market reacts firm at un-		1099
usual quotations.—Grass, 1.23½/1.40;		1099
42½ and 42½ for seed; white,		1099
42½; surprise, 1.40/1.42½; black,		1099
1.42½ for feed and 1.24/1.25 for		1099
rest, 25¢-35¢ per cwt for feed and		1099
seed.		1099
S—The market continues firm and		1099
ed. Spot—Large yellow, 1.37/1.45;		1099
small, 1.35; white, 1.35/1.40.		1099
S—The market, 43¢/44.		1099

180c for choice bright, 71c for No. 1
72 1/2c for off grades; brewing an

WOOD AND COAL.	
OHLER—(Successor to J. White), car in wood, coal, hay and grain; lime and cement, 948 San Pablo St., red 4362. Prompt and free de- livery.	100 100 150 100 200
O'CONNELL, dealer in wood, coal, and grain, 2353 Peralta st., near Fy-fourth; Tel. Grove 445.	400 400 100
PHYSICIANS DIRECTORY.	
AYWARD G. THOMAS—Eye, ear, and throat; hours 9 to 12 and 1:30. Physicians' building, 1111 Wash- ington st.; telephone black 1001.	250 1000 1000 1000
D. CROWLEY, 212-213-214 Central	AN ST

A. K. CRAWFORD, late senior pro

S, DR. F. L.—Office Central Bank
Fourth, Fourteenth and Broadway;
10 to 11 A. M., 4 to 5 P. M.; tel
361; residence 1230 Telegraph ave.,
ed 2556.

